

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHIEF HENRY V. TOBIN III,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 04-1211 MPT
	:	
THOMAS P. GORDON, individually;	:	
and in his official capacity;	:	
SHERRY FREEBERRY, individually	:	
and in her official capacity;	:	
COLONEL JOHN L. CUNNINGHAM,	:	
RETIRED, individually;	:	
COLONEL DAVID F. MCALLISTER,	:	
individually and in his	:	
official capacity; and	:	
NEW CASTLE COUNTY,	:	
a municipal corporation,	:	
	:	
Defendants.	:	

**UNSWORN DECLARATION OF ALAN B. EPSTEIN, ESQUIRE
UNDER 28 U.S.C. § 1746, IN SUPPORT OF CHIEF HENRY V. TOBIN III'S
MOTION FOR REASONABLE ATTORNEYS' FEES AND COSTS**

I, Alan B. Epstein, Esquire, hereby verify that the following facts are true and correct to the best of my knowledge, information and belief:

1. I make this declaration on my own personal knowledge, and I will testify hereto if called as a witness.

2. I am a trial attorney of extensive background and have been admitted to the practice of law before the Supreme Court of Pennsylvania since 1970. I am also admitted to practice before the United States District Court for the

Eastern, Middle and Western Districts of Pennsylvania, the Third Circuit Court of Appeals, the Fifth Circuit Court of Appeals, the Ninth Circuit Court of Appeals and the United States Supreme Court. I have also participated as counsel *pro hac vice* in state and federal courts in New Jersey, Delaware, New York, Texas and Washington. I am personally familiar with the practice of law before the United States District Court for the District of Delaware and the lawyers who practice before that court, including Mr. Neuberger who is the subject of the present Declaration.

3. My short form biography and resume (collectively attached hereto as Exhibit A) set forth my full employment history, educational background, awards, significant organizational memberships, and extensive teaching in the area of employment discrimination.

4. I have participated as a private attorney in hundreds of cases involving claims of employment discrimination since 1971.

5. I have served as a trial attorney in civil rights and discrimination-related cases, in federal courts including the United States District Courts for the Eastern, Middle and Western Districts of Pennsylvania, United States District Courts for the Districts of New Jersey and Delaware, and the United States District Court for the Southern District of New York.

6. I have been counsel of record or Amicus Curiae counsel in numerous cases involving employment discrimination and other employment related

matters which have been heard and argued before the United States Court of Appeals for the Third Circuit, Ninth Circuit and the United States Supreme Court.

7. I have actively litigated at all state court levels and before state and federal administrative agencies as well as litigated cases in other than discrimination matters in other federal circuits and districts.

8. My current billing rate of \$460.00 per hour is charged to clients of my firm for my non-contingent legal services. Payment for my services in the amount of \$460.00 per hour is regularly paid by those clients billed and I have in over 30 years of billing never received any serious complaint about my billing or billing practices by my clients.

9. Because of the referral nature of my practice, the requirement that I regularly support fee petitions submitted by me with community surveys and my participation as a mentor for the Plaintiff's Employment Panel of the United States District Court for the Eastern District of Pennsylvania, I am familiar with the rates used in the award of damages in the Pennsylvania, Delaware and New Jersey legal communities, including particularly Philadelphia, the primary situs of my practice, and Wilmington, where I regularly am called upon to work with Delaware lawyers in my areas of expertise.

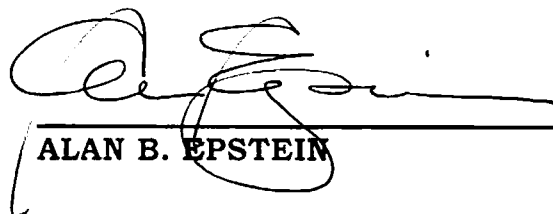
10. I have known Thomas S. Neuberger, Esquire professionally for over 16 years, and I am very familiar with his educational credentials and his

excellent reputation as a skilled practitioner in the representation of individuals in connection with claims of retaliation under state and federal law.

11. Based upon my intimate knowledge of the Wilmington legal landscape and Mr. Neuberger's esteem as a dedicated and skilled practitioner in that community, I can attest unequivocally that the hourly rate used to measure his services for claimants pursuing civil rights actions in the amount of \$450.00 per hour is certainly appropriate as measured by the rates charged by lawyers in the Wilmington legal community with equivalent background, skills, experience and reputation.

12. I understand that the statements in this Declaration are made subject to the penalties of 18 Pa.C.S. § 4904 and 28 U.S.C. § 1746 relating to unsworn falsification to authorities and I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of April, 2008.



ALAN B. EPSTEIN

EXHIBIT A

Alan B. Epstein

Spector Gadon & Rosen, PC
Seven Penn Center
1635 Market Street, Seventh Floor
Philadelphia, Pennsylvania 19103

Employment, Civil Rights Law



Alan B. Epstein is the chair of Spector Gadon & Rosen's Employment Law Practice Group. A 1969 graduate of Temple University School of Law, he has litigated complex claims before courts throughout the United States and is admitted to practice before the state and federal courts of Pennsylvania, the United States Court of Appeals for the Third, Fifth and Ninth Circuits, and the United States Supreme Court.

Mr. Epstein concentrates his practice in civil litigation in state and federal courts, with special emphasis on litigating claims and giving transactional advice in the areas of employment rights, civil rights, and constitutional torts. He also represents professionals and organizations of professionals in the many unique problems that arise in the practice of law, medicine, accounting, insurance, real estate, stockbrokerage, pharmacy, and architecture. He is a frequent lecturer in the areas of employment law and professional responsibility, and has been elected to Fellowship in the prestigious College of Labor and Employment Lawyers. He has been selected as one of the *Best Lawyers in America* in the publication of that name for over ten years and has been selected as a top 100 *Superlawyer* in Philadelphia and Pennsylvania. He has also been selected as one of the nation's Top 500 Litigators and Top 500 Plaintiff's Lawyers by the publication *Lawdragon* in 2006 and 2007 respectively. He is an active member of the National Employment Lawyers Association, and a volunteer mentor for the Employment Litigation Panel of the United States District Court for the Eastern District of Pennsylvania. He is a national leader in the American Inns of Court movement and is an active member of the Philadelphia, Pennsylvania and American Bar Associations and a member of the American Association for Justice.

In the context of significant litigation in the employment law area, he is well known for his participation in high profile litigation for individuals and corporate entities (including the representation of a young, HIV-positive attorney against a prestigious Philadelphia law firm that received national attention because of the award-winning film Philadelphia starring Tom Hanks and Denzel Washington and daily coverage of the trial by Court TV and Cable News Network) and his frequent

representation of local and national sports figures, broadcast personalities, and officers and directors of large national corporations who require his service in connection with litigation and negotiation of their contracts of employment.

Mr. Epstein was also the founder and President/CEO of JUDICATE, The National Private Court System, a company coordinating private dispute resolution services for approximately 700 former judges throughout the United States and its territories. He is a frequent lecturer in the area of alternative dispute resolution and serves as a mediator and arbitrator by private appointment and through certification by state and federal courts.

aepstein@lawsggr.com
215.241.8832

ALAN B. EPSTEIN

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SEVEN PENN CENTER
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(215) 241-8888
(215) 241-8844 - Facsimile
aepstein@lawsgr.com
www.lawsgr.com**

EDUCATION:

Temple University School of Law, Philadelphia, PA
Degree: J.D., conferred 1969

Temple University, Philadelphia, PA
Degree: B.S., Journalism, conferred 1967

PROFESSIONAL EXPERIENCE:

November, 1999 to Present

SPECTOR GADON & ROSEN, P.C. Philadelphia, PA

Member, and Chair of the Employment Law Group, of a mid-sized, full service regional law firm with offices in Pennsylvania, New Jersey and Florida. Practice concentrated in the provision of: transactional advice and litigation representation to employers, corporate officers and directors, individual employees, closely held business, licensed professionals and professional organizations.

1984 to 1988

JUDICATE: The National Private Court System Philadelphia, PA

Founder, CEO and President of publicly traded national company coordinating the private dispute resolution services of approximately 700 former judges throughout the United States and its territories.

1977 to October, 1999

JABLON EPSTEIN, P.C. Philadelphia, PA

Principal shareholder of a boutique law firm with a practice concentration in complex civil and white collar criminal litigation in both state and federal courts, with special emphasis on providing transactional advice and

representation of employers and individual employees, as well as licensed professionals and professional organizations.

1969 to 1976

FREEDMAN, BOROWSKY & LORRY Philadelphia, PA

Associate in a large, multi-office law firm whose practice was limited to civil and admiralty litigation and the transactional and litigation representation of national and international labor unions.

ADMITTED TO PRACTICE:

Commonwealth of Pennsylvania (all courts since 1970)
United States District Courts for the Eastern, Middle and Western
Districts of Pennsylvania
United States Court of Appeals for the Third Circuit
United States Court of Appeals for the Fifth Circuit
United States Supreme Court

Admissions pro hac vice:

United States District Court for the Southern District of New York
United States District Court for the District of New Jersey
United States District Court for the District of Delaware
United States Bankruptcy Court for the District of Delaware
United States District Court for the Southern District of Louisiana
United States District Court for the Southern District of Texas
New Jersey Superior Court, Middlesex County
Camden County

PROFESSIONAL ASSOCIATIONS:

Philadelphia Bar Association

Federal Courts Committee
ADR Committee

Pennsylvania Bar Association

Civil Rights Committee
Dispute Resolution Committee

American Bar Association

Sections on Litigation, Labor and Employment Law

Philadelphia Trial Lawyers Association

Board of Directors, 1981 -1986

Pennsylvania Trial Lawyers Association

Board of Governors, 1984 -1986

American Association for Justice

National Employment Lawyers Association (NELA)

Temple American Inn of Court

Executive Committee (1994 - 2002)

President (2001 - 2002)

National Education Committee Chair (2000 - 2002)

HONORS AND ACHIEVEMENTS

Fellow, College of Labor and Employment Lawyers

Chair, Third Circuit Credentials Committee (2003-2007)

Member, Board of Directors Credentials Liason Committee

**Mentor, Employment Litigation Panel of the United States District Court
for the Eastern District of Pennsylvania**

Listings:

Best Lawyers in America

Philadelphia and Pennsylvania Super Lawyers

Top 100, Philadelphia and Pennsylvania

Lawdragon

500 Best Litigation Lawyers in America

500 Best Plaintiffs Lawyers in America

Marquis Who's Who

In American Law

In American Business Leaders

In America